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SUBJECT: SHIA COALITION AND TAWAFUQ VERSIONS OF REGION FORMATION LAW

Classified By: Acting Political Counselor Michael Adler, for reasons 1. 4 (b) and (d).

¶1. (U) On September 7, the Shia Coalition, with support of the Kurdish Alliance, attempted to add a first reading of its version of the region formation law to the Council of Representatives (CoR) agenda. Tawafuq also submitted that same day a version of its law to the Presidency Commission (Speaker and two Deputies), but no action was taken. (NOTE: The text of the two versions has been sent separately via O/I. END NOTE.) CoR members have confirmed to us that Legal and Governorate committee members are meeting in an effort to prepare a single draft before the next session on September 19.

Analysis of Similarities

¶2. (C) The laws have the following similarities:

-- Neither law defines specifically the powers of the regions.
-- Both laws would have roughly similar provisions for the governing of the regions.
-- Both laws call for and require a strong role for the electoral commission.

Analysis of Differences

¶4. (C) The laws have the following key differences:

-- The Tawafuq version has an independent credibility check" through the Federal Court for requests to form a region (Articles 5 and 6).
-- The Tawafuq version requires a census "in order to implement the provisions of the law" (Article 29) (Comment: Would significantly delay implementation.)
-- The Tawafuq version directs all requests to form regions to the Speaker of the CoR (Article 2), as well as subsequent central government action; the Shia Coalition version directs requests and further action to the Council of Ministers (Article 3).
-- The Tawafuq version requires the referendum to be held within 6 months (Article 8), whereas the Shia Coalition version requires the referendum to be held within 3 months (Article 3(3)).
-- The President of the Regional Council is elected by a two-thirds majority in the Tawafuq version (Article 21), but by an absolute majority in the Shia Coalition (Article 18).

Next Steps Unclear, But CoR Committees Meeting

¶15. (U) The political parties met in the Speaker's office and reached an agreement the morning of September 10 to have a first reading of a draft law September 19, a second reading September 21, and a final reading September 25. The agreement was to be announced at that morning's CoR session. Shortly thereafter, the Sunni blocs, Iraqiyya and the Sadists withdrew from the agreement and boycotted that day's session. Nonetheless, the Speaker announced the timeline agreement to those members present. CoR members have confirmed to us that Legal and Governorate committee members are meeting in an effort to prepare a single draft before the next session on September 19.

COMMENT

¶16. (C) Article 119 of the Iraqi Constitution provides for the right of one or more governorates to organize into a region based on a request (to be voted on in a referendum) submitted by either one-third of governorate council members or one-tenth of the voters in each governorate intending to form a region. Article 118, however, requires the CoR to enact in a period "not to exceed six months from the date of its first session" a law that defines executive procedures to form regions. The move to pass a law on formation of regions is constitutionally based. Moreover, SCIRI and Abd al-Aziz Al-Hakim are unrelenting in seeking to move quickly on this process. They face strong opposition from both within and without the Shia Coalition. We will continue to urge all parties to address the question of federalism in a manner based on broad agreement rather than just the interests of

one party.
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